



Baker&Hostetler LLP

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5403

T 202.861.1500
F 202.861.1783
www.bakerlaw.com

March 7, 2018

Peter G. Fischer
direct dial: 202.861.1614
pfischer@bakerlaw.com

**VIA E-MAIL (JAY.GREENHILL@NLRB.GOV)
AND ELECTRONIC FILING**

Jay B. Greenhill
Field Examiner
National Labor Relations Board, Region 13
Dirksen Federal Building
219 S. Dearborn St., Suite 808
Chicago, IL 60604

Re: Employer's Request to Reschedule the Representation Hearing in NLRB Case No. 13-RC-215790

Dear Mr. Greenhill:

As you know, our side is willing and hopeful that a stipulated election agreement can be reached with the Regional Office and UNITE HERE, Local 1 in the coming days. It is in the interest of all Parties to avoid the unnecessary expenditure of resources that a hearing may cause, if possible. However, should the Parties be unable to reach such an agreement, and in an abundance of caution, the Employer hereby requests a two-day postponement of the hearing date from March 12, 2017, to March 14, 2017.

Pursuant to 29 CFR § 102.63(a)(1), the Region may grant a two-day postponement upon a showing of special circumstances. Here, the Employer seeks a mere 48-hour postponement because a key Employer witness will be out of the country on March 12, 2018, returns late on March 13, and will be available on March 14. The absence of this witness would substantially prejudice the Employer should a hearing be necessary. Without the presence of this witness, the risk of substantial prejudice to the Employer is exactly the type of special circumstances contemplated by 29 CFR § 102.63(a)(1). In contrast, the two-day postponement would not prejudice the Union in its organizing efforts. Furthermore, the Parties could use this additional time to pursue discussions in an attempt to reach a stipulation that would void the need for the hearing altogether.

Jay B. Greenhill
March 7, 2018
Page 2

Appreciate you approving this reasonable request to reschedule the Representation Hearing in this matter, should one be required.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Fischer", with a stylized flourish extending to the right.

Peter G. Fischer